

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Barbara B. Desautels

v.

Civil No. 10-cv-00464-JL

Fidelity Investments Life  
Insurance Company

**O R D E R**

The court has undertaken active consideration of the defendant's motion to dismiss (document no. 5). To help the court assess whether dismissal is appropriate under Fed. R. Civ. P. 12(b)(6), the parties shall file supplemental briefs, on or before **February 28, 2011**, addressing the following issue: whether the plaintiff has stated a claim for breach of the severance agreement (setting aside the federal pre-emption and exhaustion issues raised in the defendant's motion). The briefs shall set forth the parties' respective positions on what the "Severance Pay" provision of the agreement requires, what the basis for that interpretation is, what payments (if any) the defendant has made under that provision, and what payments (if any) defendant has failed to make. The parties' briefs shall not exceed 20 pages each.

**SO ORDERED.**



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Joseph N. Laplante  
United States District Judge

Dated: February 7, 2011

cc: Thomas C. Neal, Esq.  
Debra Weiss Ford, Esq.